

DT-3073

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Carsten Korth, et. al. FAX RECEIVED  
SERIAL NO. : 09 08/380,015 MAR - 7 2002  
FILED : August 23, 1999 PETITIONS OFFICE  
FOR : Immunological Detection of Prions  
EXAMINER : Ulrike Winkler, Ph. D. GROUP: 1648

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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MAR - 7 2002  
ELECTION PETITIONS OFFICE

In response to the Examiner's requirement for restriction among the monoclonal antibodies and hybridoma cells set forth in Claims 1-12 and 14-18, the anti-idiotypic antibody set forth in Claim 13, the phage display system containing the coding sequence of a monoclonal antibody set forth in Claim 19, the recombinant prion protein set forth in Claims 20-23 and 29, the method of producing an hybridoma cell line expressing monoclonal antibodies against prion proteins set forth in Claims 24-27, the method of producing an expression vector for prion proteins set forth in Claim 28, the immunological detection method and test kit set forth in Claims 30-34, the method of preventing prion disease and a pharmaceutical preparation using monoclonal antibodies as the active agent set forth in Claims 35 and 36, the method of cleaning biological preparations set forth in Claim 37 and the method of preventing prion disease using the prion protein as the active agent set forth in Claim 38 (with Claim 39 being considered if either Claims 35 and 36 are selected, or Claim 38 is selected), applicant elects, with traverse,

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Claims 1-12 and 14-18 directed to the monoclonal antibodies and hybridoma cells for further prosecution on merits.

Traverse

The Examiner's requirement for restriction is based upon the lack of a special technical feature as defined by PCT Rule 13.2 as a link to each of the claims. The examiner notes that the linking technical feature of all of the claims is the monoclonal antibody to prion protein. She further notes that "[t]he role of antibodies to PrP in the diagnosis of transmissible spongiform encephalopathies" is known in the art. While the original Claim 1 was drawn to both a monoclonal antibody capable of binding to native normal prion protein ( $\text{PrP}^C$ ) and to a monoclonal antibody capable of binding to native disease-specific prion protein ( $\text{PrP}^{Sc}$ ), the current set of Claims (40 – 76) have as a linking technical feature a monoclonal antibody capable of binding only to native disease-specific prion protein ( $\text{PrP}^{Sc}$ ). This is believed to be unique and a substantial contribution over the prior art.

In view of the foregoing, it is respectfully requested that the requirement for restriction be withdrawn and an Action on Merits with respect to all remain Claims 40-76 issued.

Respectfully submitted,  
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Paul A. Scott  
Reg. No. 47,071

Dated: March 7, 2002